

PH-DEC10

ALC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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M-10-1407

UNITED STATES OF AMERICA

- against -

C O M P L A I N T

BABATUNDE KAMORU AKANBI,

(18 U.S.C. § 1546)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

RYLAN E. HUSSEY, being duly sworn, deposes and says that he is a Special Agent with the Department of State, Diplomatic Security Service ("DSS"), duly appointed according to law and acting as such.

On or about November 26, 2010, within the Eastern District of New York, the defendant BABATUNDE KAMORU AKANBI did knowingly and willfully use and attempt to use a United States visa that was procured by means of a false claim or statement and otherwise procured by fraud and unlawfully obtained.

(Title 18, United States Code, Section 1546).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with DSS and have been so since March 2010. I am familiar with the facts and circumstances set forth below from my personal involvement in the investigation, my review of the investigative file and from reports of other law enforcement officers involved in the investigation.

2. On or about November 26, 2010, the defendant BABATUNDE KAMORU AKANBI arrived at John F. Kennedy International Airport ("JFK") on Royal Air Maroc airline, originating from Lagos, Nigeria, via Casablanca, Morocco. Upon arrival, Custom and Border Protection ("CBP") officers referred the defendant for secondary processing. In secondary, the defendant presented the following documents: (1) a Nigerian passport number A00944697, which contained a United States M-1 visa, Visa Foil No. C7301128, Visa Control No. 20103168530001, issued in Abuja, Nigeria, on or about November 15, 2010; (2) a Form I-20 Certificate of Eligibility for Nonimmigrant (M-1) Student Status For Vocational Students, executed by the defendant on November 12, 2010; (3) a letter of sponsorship addressed to the U.S. Consulate General in Abuja, stating that the defendant's father would finance the defendant's school program, and a bank statement regarding an account held by the defendant's father; (4) a Certificate of National Service, dated July 13, 2010; (5) a certificate from Yaba College of Technology, dated August 13, 2010, certifying

that the defendant had achieved a Higher National Diploma in mechanical engineering; and (6) a report of examination results from Dolphin High School, dated October 18, 2005.


3. In order to obtain a United States M-1 visa, the defendant had to present the above-described documents to personnel at the U.S. Consulate in Abuja, Nigeria.

4. Upon questioning by CBP officers regarding his visa and supporting documentation, the defendant provided inconsistent answers and displayed a lack of understanding about the visa that he had obtained. While M-1 visas are intended for use by foreign students attending U.S. vocational schools, the defendant could not answer questions about his educational background, such as questions seeking information about the college he had attended or the mechanical engineering degree he purportedly obtained.

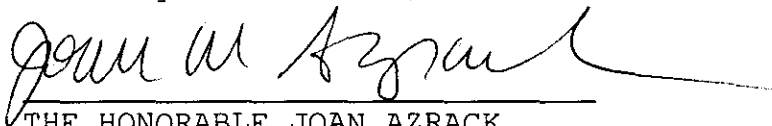
5. The defendant BABATUNDE KAMORU AKANBI was thereafter read his Miranda rights in English, which he stated he understood and waived. The defendant then made the following statements, in sum and substance. The defendant admitted that he had purchased the documents numbered 3-5 described above in paragraph 2 from a local vendor in Nigeria to apply for and obtain his U.S. visa. The defendant paid 40,000 Naira (approximately \$265) to the vendor to obtain the documents. Despite representing on his Form I-20 that he intended to attend

Riverside Flight Center, Inc. in Tulsa, Oklahoma, the defendant admitted that he had no intention of attending that school. Rather, the defendant stated that upon entering the United States, he intended to obtain work through a friend.

WHEREFORE, your deponent respectfully requests that the defendant BABATUNDE KAMORU AKANBI be dealt with according to law.


RYLAN E. HUSSEY
Special Agent
Department of State

Sworn to before me this
26th day of November, 2010


THE HONORABLE JOAN AZRACK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK